

REMARKS

The Examiner is thanked for the Office Action dated September 7, 2007. The status of the application is as follows:

Claims 1-34 are pending and are presently under consideration. Claims 1, 7, 8, 10, 14, 22, 33, and 34 have been amended herein, and claims 2-3 have been cancelled herein without prejudice.

Claims 1-3 and 10-12 stand rejected under 35 U.S.C. §102(b) as being anticipated by Anna (US Patent No. 5,499,805).

Claims 4, 13-17, 22-26, 30, 31, 33, and 34 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Anna in view of Kosugi (US Patent Application No. 2002/0079361).

Claim 5 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Anna in combination with Kosugi and in further view of Bowling (US Patent No. 6,292,960).

Claims 6-9, 18-21, and 27 stand objected to for being dependent upon a rejected base claim, but would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims.

Claims 28, 29, and 32 have been allowed.

The rejection of claims 1-5, 10-17, 22-26, 30, 31, 33, and 34 is respectfully traversed, as the cited references do not anticipate or make obvious the subject invention as recited in these claims.

The Rejection of Claims 1-3 and 10-12 Under 35 U.S.C. §102(b)

Claims 1-3 and 10-12 stand rejected under 35 U.S.C. §102(b) as being anticipated by Anma. Withdrawal of this rejection is respectfully requested, as the cited reference fails to disclose each and every element as recited in these claims.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Claim 1

Claim 1 as amended recites, *inter alia*, *a moveable shaker member bounding the interior area of the container, wherein deposit items in the interior area are in supporting connection with the moveable shaker member, wherein the moveable shaker member comprises a resilient flexible membrane that is disposed above the bottom wall of the container*. Anma fails to disclose these claimed features.

In a portion cited by the Office, Anma discloses that banknotes can be placed in a banknote storage chamber when a shutter is open. Once the banknotes are placed in the chamber, the shutter is closed and a floor of the chamber is vertically vibrated.¹ The Office equates the floor of the chamber with the claimed *moveable shaker member*. As noted above, however, claim 1 requires that the movable shaker member comprises a resilient flexible membrane that is disposed above a bottom wall (floor) of a container. The cited reference is entirely silent with respect to a resilient flexible membrane, much less a resilient flexible membrane that is disposed above a bottom wall of a container as recited in this claim.

¹ Anma, col. 5, lines 13-21

Accordingly, as Anna fails to disclose each and every element recited in claim 1, withdrawal of this rejection and allowance of claim 1 is respectfully requested.

Claims 2 and 3

Claims 2 and 3 have been cancelled herein, rendering the rejection of these claims moot.

Claims 10 and 11

Claims 10 and 11 are believed to be in condition for allowance at least by virtue their respective dependencies from claim 1.

Claim 12

Claim 12 depends from independent claim 30, and is believed to be allowable at least by virtue of its dependency therefrom.

The Rejection of Claims 4, 13-17, 22-26, 30, 31, 33, and 34 Under 35 U.S.C. §103(a)

Claims 4, 13-17, 22-26, 30, 31, 33, and 34 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Anna in view of Kosugi. Withdrawal of this rejection is respectfully requested, as the Office has failed to show that all elements and relationships recited in the claims are known in the prior art.

Before a claim may be rejected on the basis of obviousness pursuant to 35 U.S.C. § 103, the Patent Office bears the burden of establishing that all the recited features of the claim are known in the prior art. This is known as *prima facie* obviousness. To establish *prima facie* obviousness, it must be shown that all the

elements and relationships recited in the claim are known in the prior art. If the Office does not produce a *prima facie* case, then the Applicants are under no obligation to submit evidence of nonobviousness. MPEP § 2142.

Claim 22

Claim 22 as amended recites, *inter alia*, a cash acceptor device within the housing and in supporting connection with the chest portion; and a container removably mounted in the chest portion and adapted to receive cash from the cash acceptor device, wherein the container includes an interior area, a movable shaking member bounding the interior area, a bottom wall underlying the movable shaking member, and an actuator in operative connection with the shaking member.

The cited references, alone or in combination, fail to teach or suggest all of the elements and relationships recited in this claim.

Anma fails to teach or suggest a cash acceptor device in the manner recited in the claims. Anma discloses a cash dispensing device (12), but fails to teach or suggest that the cash acceptor device is in supporting connection with a chest portion as required by this claim. Kosugi is directed towards obtaining information from a bill storage container in a bill (banknote) handling machine and deliver such information to an operator. Kosugi also teaches a bill or money receiving/paying section (1), but such section is not disclosed as being in supporting connection with a chest portion as recited in this claim.

In addition, Anma teaches that a floor of a chamber is vibrated, and the Office equates the vibrating floor with the claimed movable shaking member. The claim requires, however, that a bottom wall underlie the movable shaking member, thereby excluding the claimed movable

shaking member from being characterized as the bottom wall (floor) of a container. Therefore, Anma fails to teach or suggest the movable shaking member as claimed.

With respect to Kosugi, as described in a Reply dated July 11, 2007, Kosugi does not disclose a movable shaking member, much less a movable shaking member disposed above a bottom wall of a container as required by this claim.

Accordingly, the Office has failed to show that all elements and relationships recited in this claim are known in the prior art. Therefore, the rejection of this claim should be withdrawn.

Claim 24

Claim 24 recites, *inter alia*, wherein the container includes a blocking plate disposed interiorly of the container, and a transport adapted to move notes that have entered the container through the upper wall opening horizontally to pass into the interior area below the blocking plate. To support the rejection of this claim, the Office states that “Anma discloses a blocking or security plate (shutter) 8.” The shutter cited by the Office, however, is illustrated as being on the exterior of an automatic teller machine, and not interiorly of a container as recited in this claim.²

In addition, the Office has provided no evidence as to either reference teaching the claimed transport or any relationship between the claimed transport and the container. The Office’s rationale for rejecting this claim is requested if the Office chooses to maintain this rejection.

Claim 30

Independent claim 30 recites, *inter alia*, a moveable shaker member bounding the interior area of the container, wherein deposit items in the interior area are in operatively supported

² See Anma Fig. 1, Reference numeral 8

connection with the moveable shaker member, wherein the moveable shaker member includes a resilient membrane extending across a lower portion of the container, and wherein the membrane extends above the bottom wall.

As described *supra*, Anma teaches that a floor of a container vibrates when a sensor determines that a shutter has been closed. The Office has equated the floor with the claimed moveable shaker member. This claim requires, however, that the shaker member includes a resilient membrane that extends above a bottom wall (floor) of the container. It is readily apparent, then; that the manner in which the Office is characterizing the vibrating floor as disclosed in Anma is entirely inconsistent with the plain language of the claim. Specifically, it is an impossibility for the vibrating floor to extend above the vibrating floor.

In addition, Kosugi is silent with respect to a movable shaker as required by this claim.

Since the Office has not shown that all elements and relationships recited in this claim are known in the prior art, withdrawal of the rejection of this claim is respectfully requested.

Claim 31

Claim 31 recites, *inter alia*, a cash acceptor, wherein the cash acceptor extends within the housing and outside and in operatively supported connection with the chest portion; and a container removably mounted in the chest portion, wherein the container is operative to receive cash received through operation of the cash acceptor, and wherein the container includes an interior area and a movable shaking member bounding the interior area, and further comprising an actuator in operative connection with the shaking member, wherein the cash acceptor is operative to determine if notes received through operation of the cash acceptor are genuine, and

to cause genuine notes to pass into the interior area of the container through the cash accepting opening in the chest portion, wherein the container includes an upper wall, wherein the upper wall includes an upper wall opening, wherein the upper wall opening is in alignment with the cash accepting opening in an operative position of the container within the chest portion, and wherein the interior area of the container includes a blocking plate disposed interiorly of the upper wall opening, and a transport operative to move notes that have entered the interior area of the container through the upper wall opening, horizontally relative to the upper wall opening, whereby notes pass into the interior area and below the blocking plate.

With respect to the claimed cash acceptor, arguments presented above with respect to claim 22 apply *mutatis mutandis* to this claim.

In addition, to support the rejection of this claim, the Office cites Fig. 1 of Anma, which illustrates a shutter (8). The Office, however, fails to cite any portion of Anma or Kosugi that teaches that the shutter is disposed interiorly of an upper wall opening of a container. The Office additionally fails to provide cite a portion of either Anma or Kosugi that teaches a transport that moves notes horizontally relative to the upper wall opening, into the interior area and below the blocking plate as claimed. If the Office chooses to maintain this rejection, additional rationale with respect to how Anma or Kosugi teach these claimed aspects is respectfully requested.

Claim 33

Claim 33 as amended recites features that are similar to those recited in claim 1. As noted above with respect to claim 1, Anma fails to disclose that a movable shaker member comprises a

flexible resilient membrane. Moreover, Kosugi does not make up for the deficiencies of Anna. Accordingly, withdrawal of this rejection and allowance of this claim is respectfully requested.

Claim 34

Claim 34 has been amended to recite features deemed allowable by the Office. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 4, 13-17, 23, 25, and 26

Claims 4, 13-17, 23, 25, and 26 are believed to be allowable at least by virtue of their dependencies from their respective base claims.

The Rejection of Claim 5 Under 35 U.S.C. §103(a)

Claim 5 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Anna in combination with Kosugi and in further view of Bowling. This claim is believed to be allowable at least by virtue of its dependency from claim 1.

Allowable Subject Matter

The Office is thanked for its indication that objected-to claims 6-9, 18-21, and 27 would be allowable if rewritten in independent form including all of the limitations of their respective base claims and any intervening claims. For the reasons provided above, their respective base claims are believed to be in condition for allowance, rendering the re-drafting of the objected-to claims unnecessary. Applicants reserve the right to make such amendments at a later time.

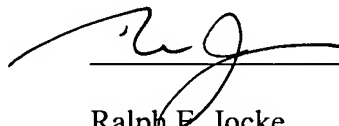
The Office is additionally thanked for the indication that claims 28, 29, and 32 are allowable over the prior art.

Conclusion

Each of Applicants' pending claims specifically recites features and relationships that are neither disclosed nor suggested in any of the applied art. Allowance of all of Applicants' pending claims is therefore respectfully requested.

The undersigned will be happy to discuss any aspect of the Application by telephone at the Examiner's convenience.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'R. Jocke', is written over a horizontal line.

Ralph E. Jocke Reg. No. 31,029
231 South Broadway
Medina, Ohio 44256
(330) 722-5143